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**16.1 BUILDING PERMITS – SITE PLAN REQUIRED**

An application for a building or use permit shall be made to the East Carbon City Building Official, Building Inspector and shall include a site plan and such other information as may be required by ordinance in East Carbon City. (See latest edition of IBC as adopted)

**16.2 BUILDING, USE, AND OCCUPANCY PERMITS**

1. No building or structure shall be constructed, reconstructed, altered, or moved and no land shall be used except after the issuance of a Building, Use, and Occupancy Permit for the same by the Building Official or Inspector of East Carbon City.
2. Building, Use, and Occupancy Permits shall not be granted for the construction or alteration of any building or structure, for the moving or removal of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use, or occupancy would be in violation of any of the provisions of this Code. Permits issued in violation of any provision of this Code, whether intentional or otherwise, shall be null and void.
3. An occupancy permit shall not be issued until the Zoning Administrator, City Engineer and/or Building Official or Inspector, shall have filed on record a report or other verified official comment (respective to their responsibilities) finding that the structures and intended uses are in compliance with the provisions of this Code and specifically as to location and completion of both off-site (curb, gutter, sidewalk, paving, utilities, fences, ditches, etc.) and on-site (buildings, etc.) improvements.

**16.3 BUILDING PERMIT APPROVAL  
CONDITIONS**

The installation of curb, gutter, sidewalks, street paving, drainage culverts, and covered or fenced irrigation ditches of a type approved by the City Council are required on any existing or proposed street adjoining a lot on which a building is to be established-except as may be provided otherwise elsewhere in this code. Such curbs, gutters, sidewalks, paving, drainage culverts, and safety features for irrigation ditches and canals, etc., are required as a condition of building permit approval, when East Carbon City adopts a policy that such street is to be improved according to an adopted plan.

**16.4 INSPECTION AND APPROVAL  
REQUIRED**

Buildings and structures requiring a building permit pursuant to the provisions of this Code shall not be occupied nor put into use until the City Building Official or Inspector, has inspected such building or structure, finds compliance with the Code and the building code of East Carbon City, and gives a written certificate of use and/or occupancy and use to the owner or his agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

**16.5 CONDITIONAL USE PERMIT  
REQUIRED FOR RESTRICTED  
LOTS**

No building permits shall be issued for construction of any building or structure to be located on a restricted lot unless a valid Conditional Use Permit for the same has previously been issued pursuant to this Code.

**16.6 SUBSTANDARD LOTS AT TIME OF  
CODE PASSAGE**

Any lot legally held in separate ownership at the time of adoption of this Code, which lot is below the requirements for lot area or lot width or depth for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of the Code, may be used for a single-family dwelling if such a lot is located in a residential district. The front, side and rear set backs shall meet the distances specified in the code. When this Code replaces a previously adopted zoning ordinance, if a lot was legally created under the provisions of that ordinance, it shall be classified as a legal non complying lot under this Code.

**16.7 NON-CONFORMING LOTS  
PROHIBITED**

After adoption of this Code, no lot having less than the minimum width, depth and area required in the zoning district in which it is located may be created nor shall building permits be issued for construction on such non conforming lots created subsequent to adoption of this Code.

**16.8 LOT STANDARDS AND STREET  
FRONTAGE**

Except for planned unit developments, condominiums, legal non complying lots and as otherwise provided in this Code, every lot hereafter created shall have such area, width, and depth as required by this Code for the zoning district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the Planning Commission, before a building permit may be issued, provided that no lot containing 5 acres or less shall be created which is more than 3 times as long as it is wide.

**16.9 EVERY DWELLING ON A LOT –  
EXCEPTIONS**

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Code for the zoning district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management, which are permitted by this Code and have approval from the Planning Commission, may occupy a single lot.

**16.10 LOTS AND DWELLINGS  
FRONTING ON PRIVATE STREETS –  
SPECIAL PROVISIONS**

Lots and any dwellings thereon, with frontage only on private streets, shall be allowed by conditional use permit procedure only, and shall be subject to all applicable requirements of this Code.

**16.11 YARD SPACE FOR ONE  
BUILDING ONLY**

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of the Code shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

**16.12 YARDS TO BE UNOBSTRUCTED –  
EXCEPTIONS**

Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard, the ordinary architectural projections of skylight, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than 2-1/2 feet, and open or lattice-

enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than 5 feet.

**16.13 EXCEPTIONS TO HEIGHT  
LIMITATIONS**

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless, radio, or television masts, theater lofts, silos, energy generation and conservation apparatus, or similar structures may be erected above the height limits herein prescribed. Nonetheless no space above the height limit shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of and other ordinances or regulations of East Carbon City.

**16.14 ADDITIONAL HEIGHT ALLOWED**

Public buildings and utility buildings, when authorized in a zoning district, may be erected to a height greater than the district's height limit by conditional use permit.

**16.15 MINIMUM HEIGHT OF  
DWELLINGS**

No dwelling shall be erected to a height less than 1 story above grade, except in a planned unit development. No below grade (basement) single dwelling.

**16.16 MAXIMUM HEIGHT AND FLOOR  
AREA OF ACCESSORY BUILDINGS**

No building which is an accessory to a one-family, two-family, three-family, or four-family dwelling shall be erected to a height greater than

1 story or 20 feet, whichever is lower, nor be higher, nor contain greater square foot floor area than the principal building to which it is accessory.

**16.17 AREA OF ACCESSORY BUILDINGS**

No accessory building or group of accessory buildings in any residential district shall cover more than 25 percent of the rear yard.

**16.18 ACCESSORY BUILDING ARCHITECTURAL REQUIREMENTS**

If the total footprint area of an accessory building/structure exceeds 500 square feet or 50% of the footprint area of the primary structure (whichever is less), the accessory structure must:

1. Have any fences, walls, etc. be designed with residential styling, including:
  1. A roof pitch which matches that of the primary structure, but not to be less than 2½ feet of rise to 12 feet of run, and
  2. Exterior finishing materials similar to the exterior finishing materials used on the primary structure or primary structures on any surrounding residential property within a 300 foot radius; and
2. Have design characteristics that are in harmony with existing residential buildings in the neighborhood; and
3. Create no substantial adverse aesthetic or economic impacts on the neighborhood.

**16.19 WATER, ELECTRIC AND SEWERAGE REQUIREMENTS**

All developments constructed within East Carbon City shall connect to City utilities, including water, sewer, electric, storm drainage,

unless otherwise approved by conditional use permit.

**16.20 CLEAR VIEW OF INTERSECTING STREETS**

In all zoning districts which require a front yard, no obstruction (natural grade, vegetation, sign, wall or fence) to view in excess of 2 feet in height, above the street pavement or sidewalk, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points 40 feet from the intersection of the street lines/property lines. Exception: pedestal type identification signs (base not to exceed 12 inches in any direction and bottom of sign clearance of 7 feet), and a single tree (that does not exceed 12 inches of trunk diameter pruned with a minimum of 7 feet of limb or branch clearance). There shall be a clear view of intersecting streets that connect with driveways, alleys, sidewalks and pathways. There shall be an adequate sight distance of 50 feet in each direction, at a point 15 feet back from the street right of way line. The view of automobile drivers shall not be obstructed. Maintenance of alley ways is the responsibility of property owners with property that fronts, is adjacent to, or abuts any public or private alley way.

**16.21 FENCES MAY BE REQUIRED**

When approved by the City Council, the Planning Commission may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit where, in the opinion of said Commission, this is necessary to protect life and property, or to prevent conflict of uses. Such fences shall be of a type, design and construction material and size necessary, in the opinion of the Planning Commission, to accomplish the above-stated purpose.

**16.22 MAXIMUM HEIGHT OF FENCES, WALL, AND HEDGES**

1. Fences, walls, and hedges may be erected or allowed to the permitted building heights in the district when located within the required buildable area beyond the required setbacks.
2. Fences, walls, and hedges may not exceed 6 feet in height within any required rear yard or interior side yard and no permit shall be issued for a fence exceeding 6 feet in height except for below:
  1. The Planning Commission may require installation of a fence or other separation between properties or land uses higher than 6 feet for the express purpose of protecting property values or mitigating adverse land use impacts.
  2. The Planning Commission may consider requests from property owners within East Carbon City requesting fences or other separations in excess of 6' in height if expressly for protection of property values or mitigation of an adverse land impact.
3. Notwithstanding any other provisions herein, no view-obscuring (less than 50% open) fence, wall or hedge exceeding 3 feet in height shall be erected or allowed closer to any street line than the required building setback line. Non view-obscuring (50% or more open) fences or walls may be erected to a maximum height of 4 feet within the front yard.
4. For the purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any 2 plants is and remains at least 5 feet.

5. Where a fence, wall, or hedge is located along a property line separating 2 lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line.
6. All fence construction requires review and issuance of a zoning permit and approval by the Zoning Administrator, City Engineer or Building Inspector. Building permits for fences are required only when required by the Building Inspector to conform with adopted building code(s).
7. There shall be no fence nor hedge within 5 feet of any fire hydrant, mail box, utility pole or driveway.
8. Fences, walls, hedges, signs, trees shall not obstruct the view of automobile drives at intersecting streets, alleys, driveways, sidewalks, pathways, trail heads and stop signs. Trees and vegetation shall be trimmed and pruned to prevent obstruction of a safe view and adequate sight distance. Maintenance of all property fronting, adjacent to, or abutting intersecting streets, alleys, driveways, sidewalks, pathways, trail heads and stop signs is the responsibility of the property owner whose real property abuts, fronts or is adjacent to intersecting streets, alleys, driveways, sidewalks, pathways, trail heads and stop signs.

**16.23 SALE OR LEASE OF REQUIRED SPACE**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

**16.24 CONSTRUCTION SUBJECT TO GEOLOGIC OR FLOOD HAZARDS**

Whenever development or construction is or may be subject to geologic or floor hazards, the Planning Commission may require the applicant to submit a geologic and soils survey report prepared by a licensed professional engineer.

1. When such report indicates a lot to be subject to unusual, potential or actual geologic or flood hazards, the applicant shall meet the special conditions required by the Planning Commission to mitigate, reduce or eliminate such hazard, or if such conditions cannot be met or will not be met, the application for a building or conditional use permit shall be denied.

**16.25 LOCATION OF GASOLINE PUMPS**

Gasoline pumps shall be set back no less than 18 feet from any street line (property line) to which the pump island is perpendicular, and 18 feet from any street line to which the pump island is parallel, and not less than 18 feet from any residential district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. Pumps shall not be located in the corner clearance boundary, see section 16.20, Clearview of Intersecting Streets.

**16.26 PROPERTY DIVIDED BY ZONING DISTRICT BOUNDARIES**

Where a zoning district boundary cuts through a lot existing at the time of adoption of this Code, the use regulations governing the portion of the lot located within the more restrictive zone shall govern the use and development of the entire lot, unless a variance has been granted by the Board of Adjustment in accordance with the limitations of Chapter 2 – Board of Adjustment. Legally existing non conforming uses and buildings on the lot, and lots that can be legally subdivided into two or more legal conforming, lots are exempt.

**16.27 UTILITY EXTENTIONS AUTHORIZED**

No sewer service line, water service line, electrical nor gas utility line shall be installed by a public or private company to a building, structure, or use which does not comply with the provisions of this Code or other local regulations.

**16.28 UTILITIES RESPONSIBLE FOR EXCAVATIONS**

It is the intent of this Code to hold franchised utilities responsible for all excavations, backfilling and paving. To this end all such work, whether done by a private or public entity, shall be commenced only pursuant to the issuance of a permit (see Chapter 7 of this Code). Cuts and fills shall be constructed according to standards established by East Carbon City, or in compliance with existing franchise agreements.

**16.29 PROPERTY OWNED BY OTHER GOVERNMENT UNITS**

1. Each government entity (local, state, federal) school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of East Carbon City when installing, constructing, operating, or otherwise using any area, land, or building situated within the municipality only in a manner or for a purpose that conforms to East Carbon City’s ordinances.
1. East Carbon City may waive fees associated with development and construction for other governmental units upon request by the governmental unit. Development conditions and requirements of this code cannot be waived.

2. A school district or charter school is subject to East Carbon City’s land use regulations as required by state statute, except that East Carbon City may not:
  1. Impose any special requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for education purposes, or the placement or use of temporary classroom facilities on school property;
  2. Require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;
  3. Require a school district to pay fees not authorized by state statute;
  4. Provide for inspection of school construction or assess a fee or other charges for inspection, unless neither the school district nor the state superintendent has provided for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent with the approval of the state building board and state fire marshal;
  5. Require a school district to pay any impact fee for improvements not reasonably related to the impact of the project upon the need which the improvement is to address; or
  6. Impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

**16.30 TRANSPORTATION MASTER PLAN EFFECTS**

Wherever a lot is adjacent to a mapped street on the adopted Transportation Master Plan or General Plan of East Carbon City, there shall be a front yard provided which is measured from the planned edge of the future right-of-way.

**16.31 CONSERVATION OF VALUES**

The appearance and condition of premises has a significant effect on property values, wholesomeness of surroundings and moral values. Accordingly, the following regulations shall apply: The outside surface of buildings shall be constructed with an architectural finish and materials that are weather resistant and permanently secured to the building.

1. The outside surface of buildings shall include at a minimum: siding, paint, sealers, wood, metal or brick, and roofing, soffit, fascia, doors, and drainage control etc.
2. Whenever a front yard is required, such yard shall be landscaped. Landscaping may include trees, lawn, shrubbery, drought tolerant plants, brick pavers, rocks and xeriscaping. No asphalt or concrete is allowed except for walks and driveways.
3. No vehicle parking shall be allowed in the front yard area except in approved driveways.
4. Trash, weeds or other materials liable to contribute to a fire hazard, infestation by rodents or insects shall not be allowed to remain on any lot outside of approved containers in East Carbon City and no junk, debris, abandoned or dismantled vehicles, or similar refuse material shall be stored or allowed to remain outdoors except in a zoning district wherein such land use is permissible by conditional use permit.

5. View obscuring fences (less than 50% open) shall be installed by the property owner to block the view from the public right-of-way, or from neighboring properties and uses; and whenever uses of land are found by the Planning Commission to be offensive, detracting, obnoxious, visually polluting or otherwise visually devaluing to the community.
6. Confirmed violations of this Section may result in the issuance of a citation to the property owner and/or occupant of said property by East Carbon City.